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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,944	01/20/2004	Darrick Wright	BE1-0055US	1275

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LEE & HAYES, PLLC
421 W. RIVERSIDE AVE.
SUITE 500
SPOKANE, WA 99201

EXAMINER	
AU, GARY	

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
10/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/760,944	WRIGHT ET AL.	
	Examiner	Art Unit	
	Gary Au	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 August 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,8,10-12,14-16 and 19-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,8,10-12,14-16 and 19-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/6/2007 has been entered.

Response to Amendment

2. The declaration filed on 8/6/2007 under 37 CFR 1.131 has been considered but is ineffective to overcome the Straub et al. reference.

3. The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Straub et al. reference. While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897).

The complete claimed invention was not conceived prior to the date of the reference. For example, claims 1, 11 and 20 have no support in Exhibit A, B, C, D, E, F

or G. There is no support for example, a microcontroller of the processor for determining whether a wireless telephone call is in progress, and providing a periodic reminder of an emergency alert broadcast containing information regarding a weather emergency to the user of the telecommunications device at a predetermined timer interval for a duration of time, wherein the periodic reminder is continually provided until one of: an expiration date and time of the weather emergency or a first indication by the user of the telecommunications device to suspend a wireless telephone call in progress.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-3, 5, 8, 10-12, 14-16 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,053,780 Straub et al. (Straub) and further in view of US Patent No. 6,850,604 Cannell et al. (Cannell).

Considering claim 1, Straub teaches a telecommunications device (navigation device 100 or 210 – figure 1A, 1B, and 2, col. 1 line 62 – col. 2 line 2 and col. 3 lines 13-22) for use by a telecommunications user, comprising: a housing (protective housing 102 – figure 1A, col. 2 lines 3-22); a wireless telephone located in the housing for receiving an incoming call and having a first receiver (first receiver 234 – figure 2, col. 4 lines 5-22) and a processor (processor 212 – figure 2, col. 3 lines 13-22) in

communication therewith (col. 4 lines 32-42); and a receiver unit located in the housing and having a second receiver for receiving an emergency alert broadcast (weather receiver 270 – figure 2, col. 5 lines 1-28), wherein the receiver unit is in communication with the processor of the wireless telephone (col. 5 lines 53-67). However, Straub fails to teach a microcontroller of the processor for determining whether a wireless telephone call is in progress, and providing a periodic reminder of an incoming call to the user of the telecommunications device at a predetermined time interval for a duration of time, wherein the periodic reminder is continually provided until a first indication by the user of the telecommunications device to suspend a wireless telephone call in progress and a microcontroller for resuming the suspended wireless telephone call when a second indication from the user of the telecommunications device is received.

In an analogous art, Cannell teaches a microcontroller of the processor for determining whether a wireless telephone call is in progress (col. 4 lines 20-29), and providing a periodic reminder of an incoming call to the user of the telecommunications device at a predetermined time interval for a duration of time (col. 4 lines 61-65), wherein the periodic reminder is continually provided until a first indication by the user of the telecommunications device to suspend a wireless telephone call in progress (col. 5 lines 11-21) and a microcontroller for resuming the suspended wireless telephone call when a second indication from the user of the telecommunications device is received (col. 5 line 56 – col. 6 line 3).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Straub's system to include a microcontroller of the

processor for determining whether a wireless telephone call is in progress, and providing a periodic reminder of an incoming call to the user of the telecommunications device at a predetermined time interval for a duration of time, wherein the periodic reminder is continually provided until a first indication by the user of the telecommunications device to suspend a wireless telephone call in progress and a microcontroller for resuming the suspended wireless telephone call when a second indication from the user of the telecommunications device is received, as taught by Cannell, for the advantage of alerting the user of the phone of an incoming call when the user is engaged in a current call (col. 1 lines 14-20).

Considering claims 11 and 20, Straub teaches a method and a telecommunications device for providing an emergency alert notification to a user of a telecommunications device in response to receiving an emergency alert broadcast (navigation device 100 or 210 – figure 1A, 1B, and 2, col. 1 line 62 – col. 2 line 2 and col. 3 lines 13-22), the telecommunications device including a housing having located therein a wireless telephone for receiving an incoming call and a receiver unit for receiving the emergency alert broadcast (protective housing 102 – figure 1A, col. 2 lines 3-22), the method comprising: receiving the emergency alert broadcast from an emergency alert transmitter (col. 5 lines 1-28); extracting coded information contained in emergency alert broadcast (col. 5 lines 29-52); and providing an emergency alert notification to the user of the telecommunications device based upon the extracted coded information (col. 6 line 62 – col. 7 line 13). However, Straub fails to teach a

microcontroller of the processor for determining whether a wireless telephone call is in progress, and providing a periodic reminder of an incoming call to the user of the telecommunications device at a predetermined time interval for a duration of time, wherein the periodic reminder is continually provided until a first indication by the user of the telecommunications device to suspend a wireless telephone call in progress and a microcontroller for resuming the suspended wireless telephone call when a second indication from the user of the telecommunications device is received.

In an analogous art, Cannell teaches a microcontroller of the processor for determining whether a wireless telephone call is in progress (col. 4 lines 20-29), and providing a periodic reminder of an incoming call to the user of the telecommunications device at a predetermined time interval for a duration of time (col. 4 lines 61-65), wherein the periodic reminder is continually provided until a first indication by the user of the telecommunications device to suspend a wireless telephone call in progress (col. 5 lines 11-21) and a microcontroller for resuming the suspended wireless telephone call when a second indication from the user of the telecommunications device is received (col. 5 line 56 – col. 6 line 3).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Straub's system to include a microcontroller of the processor for determining whether a wireless telephone call is in progress, and providing a periodic reminder of an incoming call to the user of the telecommunications device at a predetermined time interval for a duration of time, wherein the periodic reminder is continually provided until a first indication by the user of the

telecommunications device to suspend a wireless telephone call in progress and a microcontroller for resuming the suspended wireless telephone call when a second indication from the user of the telecommunications device is received, as taught by Cannell, for the advantage of alerting the user of the phone of an incoming call when the user is engaged in a current call (col. 1 lines 14-20).

Considering claim 2, Straub teaches the first receiver includes a RF transceiver unit (col. 2 lines 48-64).

Considering claim 3, Straub teaches the second receiver includes a NWR weather receiver configured to receiver NWR-SAME emergency alert broadcasts (weather receiver 270 – figure 2, col. 5 lines 1-28).

Considering claim 5, Straub teaches the second receiver includes a digital receiver (col. 5 lines 29-52).

Considering claims 8, 12 and 14, Straub teaches providing the emergency alert notification to the user of the telecommunications device based upon the extracted coded information includes providing an emergency alert message to the user of the telecommunications device, the emergency alert message including at least a portion of the extracted coded information (col. 6 line 62 – col. 7 line 13).

As to claim 10, Straub teaches the emergency alert message is selected from the group consisting of an audible emergency alert message, a visual emergency alert message, and an audio-visual emergency alert message (col. 6 lines 62 – col. 7 line 13).

Considering claim 15, Straub teaches if the wireless telephone call is not in progress, determining if the telecommunications device is activated (col. 3 line 57 – col. 4 line 8); and if the telecommunications device is activated, activating one or more interface resources of the telecommunications device (user interface – figure 3A-3F, col. 8 lines 1-5), wherein the one or more interface resources include a speaker (speaker 254 – figure 2, col. 6 line 62 – col. 7 line 13), a microphone (microphone 250 – figure 2, col. 4 lines 5-22), a keypad (input devices 220 – figure 2, col. 3 lines 23-33),and a display (display 216 – figure 2, col. 6 lines 37-49).

Considering claims 16 and 21, Straub teaches providing the emergency alert notification to the user of the telecommunications device based upon the extracted coded information includes providing the emergency alert notification simultaneously with a call in progress (col. 6 line 62 – col. 7 line 13).

Considering claim 19, Straub teaches providing a recommended course of action to the user of the telecommunications device based upon the extracted coded information (col. 8 line 59 – col. 9 line 2).

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,053,780 Straub et al. (Straub) and US Patent No. 6,850,604 Cannell et al. (Cannell) as applied to claims 1 above, and further in view of US Patent No. 6,728,522 Marrah et al. (Marrah).

As to claim 4, Straub teaches a NWR weather receiver but fails to teach receiving standard FM and AM broadcasts.

In an analogous art, Marrah teaches a NWR weather receiver further configured to receive standard FM and AM broadcasts (col. 1 lines 13-32 and col. 2 lines 52-65).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Straub's system to include receiving standard FM and AM broadcasts, as taught by Marrah, for the advantage of tuning a weather band radio to receive a plurality of weather band channels from one location (col. 1 lines 13-32).

7. Claims 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,053,780 Straub et al. (Straub) and US Patent No. 6,850,604 Cannell et al. (Cannell) as applied to claim 1 above, and further in view of US Patent No. 6,710,715 (Deeds).

As to claim 6, Straub teaches the system above but fails to disclose the processor includes a digital signal processor.

In an analogous art, Deeds teaches the processor includes a digital signal processor (col. 12 lines 3-9).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Straub's system to include a digital signal processor, as taught by Deeds, for the advantage of improving the automatic selection and distribution of messages (col. 2 lines 1-11).

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Au whose telephone number is (571) 272-2822. The examiner can normally be reached on 8am-5pm Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GA

Rafael Perez-Gutierrez
Supervisory Patent Examiner
Technology Center 2600
Art Unit 2617
10/11/07